

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

AUTO OWNERS INSURANCE COMPANY,

Plaintiff,

v.

JOHN HAGLER, SUE HAGLER and RON
MCCULLEY d/b/a Ron's Mobile Home Service,

Defendants.

Case No. 13-cv-884-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Court's January 17, 2014, order to show cause why, in light of the plaintiff's failure to request entry of default against the defendants, this case should not be dismissed for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995) (Doc. 13). In the interim, defendants John Hagler and Sue Hagler have answered, making entry of default no longer appropriate. Thus, the order to show cause is **DISCHARGED** as to the plaintiff's claims against those defendants. However, defendant Ron McCulley has not answered, and the plaintiff has not requested entry of default against him. Further, the plaintiff's response to the order to show cause (Doc. 14) does not indicate any good reason not to dismiss the plaintiff's claims against McCulley. Accordingly, the Court **DISMISSES** the plaintiff's claims against McCulley **without prejudice** for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995).

IT IS SO ORDERED.

DATED: February 28, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE